



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

ELECTRONIC MAIL
DELIVERY CONFIRMATION REQUESTED

Sloane Six
President
Artex, Incorporated
Barnesville, PA Bulk Petroleum Storage Plant
Fairview Street, Intersection of Routes 54 and 1020
Barnesville, PA 18214
ssix@hazletonoil.com

**Re: Requirement to Provide Information Pursuant to Section 308(a) of the Clean Water Act,
33 U.S.C. § 1318(a).**

Dear Ms. Six:

The U.S. Environmental Protection Agency ("EPA") is requesting that the Barnesville, PA Bulk Petroleum Storage Plant, a facility owned and operated by Artex, Incorporated ("Artex") and located at the intersection of Route 54 and 1020 on Fairview Street in Barnesville, PA (hereinafter the "Facility"), submit certain information concerning its compliance with Section 311(j) of the Clean Water Act ("CWA"), 33 U.S.C. § 1321(j), and its implementing regulations at 40 C.F.R. Part 112. EPA additionally requests that Artex submit information concerning the compliance of the Facility with the CWA, Section 402, National Pollutant Discharge Elimination System ("NPDES"), 33 U.S.C. § 1342, and its implementing regulations at 40 C.F.R. Part 122.

EPA is issuing this Information Request pursuant to the authority of Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a). In pertinent part, Section 308 authorizes EPA to require that the owner or operator of any point source establish and maintain such records and provide such other information to be submitted to EPA as reasonably required.

EPA is requesting information regarding the storage of oil and/or hazardous substances at the Facility and regarding the Facility's Spill Prevention, Control and Countermeasure ("SPCC") Plan and Facility Response Plan ("FRP"), as well as information concerning the Facility's NPDES permit. You are required to respond to the enclosed questions of this Information Request, fully and truthfully, with a signed certification to that effect, which is included herein as Enclosure 3. Failure to respond to this Information Request could result in civil penalties by EPA pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d). This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.*

EPA asks that your response to this Information Request be sent **electronically** to Rachel Simkins, SPCC/FRP Coordinator, at Simkins.Rachel@epa.gov, within **thirty (30) calendar days** of

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receipt of this letter. Please do not hesitate to contact us if you would like EPA to consider an extension to respond to this request or if you have any clarifying questions.

If you have any questions relating to this Information Request, including requests regarding the time frame in which to respond, please contact Rachel Simkins, SPCC/FRP Coordinator by phone at (215) 814-3277 or by e-mail at simkins.rachel@epa.gov. Thank you in advance for your timely attention to this important matter.

Sincerely,

Karen Melvin, Director
Enforcement & Compliance Assurance Division

Cc: Rachel Simkins (Simkins.Rachel@epa.gov)

Enclosures:

1. CWA SPCC Requested Information
2. CWA NPDES Requested Information
3. Statement of Certification
4. Instructions, Definitions, and Disclosures
5. List of EPA Contractors (rev. 07/2020)

Enclosure 1

Information Requested

1. Please provide a copy of the specified tank integrity testing/inspection reports (e.g., API 653 inspection reports, STI-SP001 inspection reports) for the following tanks:
 - a. Tank 001A (please provide the most recent integrity report)
 - b. Tank 002A (please provide the most recent **In-Service and Out-of-Service** report)
 - c. Tank 003A (please provide the most recent integrity report)
 - d. Tank 004A (please provide the most recent **In-Service and Out-of-Service** report)
2. Please provide a copy of visual inspection records (e.g., monthly and annual inspection records), as conducted in accordance with the written procedures described in your facility's SPCC Plan, for the time period of July 1, 2019 to July 31, 2020.
3. Please indicate whether any annual discharge prevention briefings for oil-handling personnel occurred between January 1, 2019 and July 31, 2020. If any annual discharge prevention briefings occurred, please provide the date(s) of the event(s), and a copy of the briefing documents that help to demonstrate the substantive content of the briefings.
4. Please provide a copy of dike drainage records for all applicable diked storage areas that were produced during the time period of July 1, 2019 to July 31, 2020.
5. Please describe any corrosion protection or cathodic protection methods that have been utilized for the oil water separator collection tank, which is a completely buried tank.
6. Please describe any leak testing protocol that exists, including frequency and methods of testing, for the oil water separator collection tank, which is a completely buried tank.
7. Has your Facility had any discharges¹ of oil in quantities that may be harmful, into or upon the navigable waters of the United States or adjoining shorelines during the time period of December 16, 2015 to December 16, 2020?
8. If your facility had a discharge, as described above, during the time period of December 16, 2015 to December 16, 2020, for each discharge event please provide the following information:
 - i. The date of the discharge
 - ii. The estimated or actual volume of the discharge
 - iii. The estimated or actual volume of discharge reaching a navigable water
 - iv. Please describe any remedial actions taken in response to the discharge
 - v. Please describe any actions taken to reduce the likelihood of a future discharge
 - vi. Please indicate whether you notified the National Response Center ("NRC") of this discharge, and if so, please provide the NRC incident number.

¹ Refer to Enclosure 4 for the definition of a "discharge".

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9. Please provide a copy of all quarterly QI notification records for the time period of January 1, 2019 to September 30, 2020.
10. Please provide a copy of annual spill management team tabletop exercise records for the time period of January 1, 2016 to July 31, 2020.
11. Please provide a copy of annual unannounced exercise records for the time period of January 1, 2016 to July 31, 2020.
12. Does the Facility possess spill containment boom on-site which could be deployed in the event of a spill?
 - a. If your Facility does have spill containment boom, please provide a copy of semi-annual boom deployment exercise records for the time period of January 1, 2016 to July 31, 2020.
 - b. If your Facility relies on equipment provided by an Oil Spill Removal Organization (“OSRO”), please provide a copy of annual OSRO certification records for the time period of January 1, 2016 to July 31, 2020.
13. Please provide a copy of records of response equipment inspections for the time period of January 1, 2019 to July 31, 2020.
14. Please provide a copy of records of all oil spill response trainings for applicable personnel for the time period of January 1, 2019 to July 31, 2020.

Enclosure 2

Information Requested

1. Please provide a copy of the facility's NPDES permit ("Permit").
2. Please provide a copy of the facility's most recent Preparedness, Prevention and Contingency ("PPC") Plan required under Part C. 3. of the Permit, as well as all previous revisions. Please provide the date the PPC Plan was first created.
3. Please provide copies of the Comprehensive Site Compliance Evaluations required under Part C. 3. c. of the Permit in chronological order from January 2017 to the present. If Comprehensive Site Compliance Evaluations have not been conducted and documented, explain why they were not conducted or documented.

Enclosure 3

Statement of Certification

Enclosed with your Response, please include the following signed certification:

Artex Incorporated is submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") request for information, issued pursuant to Section 308(a) of the CWA, to determine whether the facility is in compliance with the Clean Water Act.

I certify that I am fully authorized by Artex Incorporated to provide the enclosed information on its behalf to EPA.

I certify under penalty of law that I have personally examined and am familiar with the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, accurate and complete.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____

Enclosure 4

INSTRUCTIONS

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request. If you cannot provide the information requested or provide a complete response to a question, please provide an explanation. If you do not understand what a question is requesting, please feel free to contact EPA's designated technical point of contact in advance of the response deadline for this Information Request to obtain clarity on the requested item.
2. Precede any answer with the number of the question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you may supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
5. If you desire, you may assert a confidentiality claim covering part or all of the information requested, pursuant to 40 C.F.R. § 2.302(c), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in statutes and regulations set forth above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. If you desire to assert a claim of business confidentiality, please see the Disclosures section below for more information.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.
2. The term "Facility" shall mean the facility on or about the site referenced in the address label.
3. As defined in 40 C.F.R. § 112.2, a "[d]ischarge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with a permit under section 402 of the CWA; discharges resulting from circumstances identified, reviewed, and made a part of the public record with respect to a permit issued or modified under section 402 of the CWA, and subject to a condition in such permit; or continuous or anticipated intermittent discharges from a point source, identified in a permit or

permit application under section 402 of the CWA, that are caused by events occurring within the scope of relevant operating or treatment systems. For purposes of this part, the term discharge shall not include any discharge of oil that is authorized by a permit issued under section 13 of the River and Harbor Act of 1899 (33 U.S.C. 407).”

4. Navigable waters of the United States means “navigable waters” as defined in section 502(7) of the CWA and 40 C.F.R. § 112.2 as “waters of the United States.” Further defined in 40 C.F.R. § 120.2, “waters of the United States” includes: (1) the territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide; (2) Tributaries; (3) Lakes and ponds, and impoundments of jurisdictional waters; and (4) Adjacent wetlands.

DISCLOSURES

Business Confidentiality Claims - In accordance with 40 C.F.R. § 2.302(c), you are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees - EPA may contract with one or more independent contracting firms to review the documentation, including documents which you claim are confidential business information (CBI), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is (are) working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 308(b) of the CWA, 33 U.S.C. §1318(b), EPA may share such CBI with EPA’s authorized representatives, which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed. Reg. 7187 [1993]). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed on the following page, you must notify EPA in writing at the time you submit such documents.

Enclosure 5

[rev. 07/2020]

List of Contractors That May Review Your Response

Emergint Technologies, Inc.

Contract # EP-W-11-025

Subcontractor: Booz-Allen & Hamilton

Booz-Allen & Hamilton

Contract # EP-W-11-016

CDM-Federal Programs Corporation

Contract # EP-S3-07-06

Subcontractors: CDI-Infrastructure, LLC
d/b/a L.R. Kimball
Avatar Environmental LLC
Terradon Corporation

Walga MTE, LLC

Contract #68HE0320D0001

EA Engineering, Science and Technology, Inc.

Contract #EP-S3-07-07

Subcontractor: URS

Eisenstein Malanchuck, LLP

Contract #EP-W-13-006

Subcontractors: R. M. Fields
International, LLC

Hydrogeologic (HGL)

Contract #EP-S3-07-05

Subcontractor: CH2MHill
Sullivan International

Weston Solutions

Contract #EP-S3-1502

Tech Law, Inc. (Removal Program)

Contract #EP-S3-1503

Tetra Tech NUS, Inc.

Contract #EP-S3-07-04

Kemron Environmental Services, Inc.

Contract #EP-S3-12-01,

Subcontractor: AECOM Technical Services, Inc.

Guardian Environmental Services Company, Inc.

Contract #EP-S3-12-02,

Subcontractors: Aerotek, Inc.,
Tetra Tech, Inc.

Environmental Restoration, LLC

Contract # EP-S3-12-03

Subcontractors: Aerotek, Inc
Haas Environmental, Inc,
Hertz

Northstar Federal Services, Inc.

Contract # EP-S3-12-05

ICF International

Contract # EP-BPA-12-W-0003

Cooperative Agreements

National Association of Hispanic Elderly

CA# CQ-835398

National Older Workers Career Center

CA# Q-835621